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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,134	09/30/2003	Keith Istvan Farkas	200313156-1	3702
22879	7590	07/27/2005	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				BHAT, ADITYA S
		ART UNIT		PAPER NUMBER
		2863		

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/673,134	FARKAS ET AL. <i>AM</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Aditya S. Bhat	2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 09 May 2005.

2a) This action is **FINAL**.                                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5 and 7-30 is/are rejected.

7) Claim(s) 6 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 30 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 and 7-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Wareham et al (USPUB 2004/0075343) .

With regards to claim 1, Wareham et al (USPUB 2004/0075343) teaches a method of managing load in a power system comprising:

determining whether a load demand on at least one power system component of a plurality of power system components needs to be varied; (Page 2, paragraph 0028)

determining a new load demand to be placed on the at least one power system component based on a load demand on at least one other functioning power system component of the plurality of power system components in response to determining the load demand on the at least one power system component needs to be varied and the load demand on the at least one other functioning power system component; (Page 4, paragraph 0057) and

controlling the load demand on the at least one power system component to be substantially equal to the determined new load demand. (Page 5, paragraph 59)

With regards to claim 2, Wareham et al (USPUB 2004/0075343) teaches determining whether load demand on the at least one other power system component needs to be varied further comprises determining whether a failure of one of the plurality of power system components occurred. (Page 2, paragraph 0029)

With regards to claim 3, Wareham et al (USPUB 2004/0075343) teaches determining a new load demand to be placed on the at one power system component further comprises:

determining a total load demand on the plurality of power system components, wherein the plurality of power system components are similar to the failed power system component and are functioning; (Page 1, paragraph 0011) and dividing the total load demand substantially equally among the plurality of power system components. (Page 5, paragraph 0059)

With regards to claim 4, Wareham et al (USPUB 2004/0075343) teaches determining a new load demand to be placed on the at least one power system component further comprises determining a new load demand that is less than a maximum loading value of the at least one power system component. (Page 5, paragraph 0059)

With regards to claim 5, Wareham et al (USPUB 2004/0075343) teaches determining a new load demand to be placed on the at least one power system component further comprises:

storing optimal load demands for the plurality of power system components;

and (Page 5, claim 4)

determining new load demands for the plurality of power system components based on the stored load demands. (Page 5, paragraph 0059)

With regards to claim 7, Wareham et al (USPUB 2004/0075343) teaches determining whether a load demand on at least one power system component of a plurality of power system components needs to be varied further comprises determining whether a request to change the load demand of the at least one power system component is received. (Page 2, Paragraph 0026)

With regards to claim 8, Wareham et al (USPUB 2004/0075343) teaches the request is a power system component maintenance-related request. (Page 2, Paragraph 0026 )

With regards to claim 9, Wareham et al (USPUB 2004/0075343) teaches determining whether a load demand on at least one power system component of a plurality of power system components needs to be varied further comprises

determining whether load demands on the plurality of power system components are balanced based on a balancing scheme; (Page 2, Paragraph 0028 )and

determining a new load demand comprises determining new load demands for the plurality of power system components based on the balancing scheme in response to the load demands on the plurality of power system components being unbalanced. (Page 2, Paragraph 0028 )

With regards to claim 10, Wareham et al (USPUB 2004/0075343) teaches the balancing scheme is associated with at least one of dividing a total load demand on the

one or more power system components substantially equally, providing substantially equal spare capacity for the one or more power system components, preventing any of the one or more power system components from exceeding a maximum loading value, and providing greater spare capacity for critical loads. (Page 2, Paragraph 0026)

With regards to claim 11, Wareham et al (USPUB 2004/0075343) teaches controlling the load demand on the at least one power system component to be substantially equal to the determined new load demand further comprises directing the at least one power system component to change its load demand to the new load demand. (Page 2, Paragraph 0026)

With regards to claim 12, Wareham et al (USPUB 2004/0075343) teaches controlling the load demand on the at least one power system component to be substantially equal to the determined new load demand further comprises:

directing a power system component drawing current from the at least one power system component to vary its current draw on the at least one power system component. (Page 1, Paragraph 0005)

With regards to claim 13, Wareham et al (USPUB 2004/0075343) teaches the plurality of power system components comprise power system components substantially located in a data center and providing power to meet the load demand of a plurality of computer systems housed in the data center.

With regards to claim 14, Wareham et al (USPUB 2004/0075343) teaches the at least one power system component comprises power system components in a level in a power grid. (Page 2, Paragraph 0026)

With regards to claim 15, Wareham et al (USPUB 2004/0075343) teaches a system for balancing load demands on power system components comprising:  
a first set of power system components in the power system; (See figure 1) and  
a load manager controlling load demands on the first set of the power system components based on a load balancing scheme.(see Figure 1)

With regards to claim 16, Wareham et al (USPUB 2004/0075343) teaches the load manager receives data regarding the load demands on the first set of power system components, and controls the load demands on the first set of power system components based on whether the load demands on the first set of power components are substantially equal to new load demands determined for the first set of power system components based on the load balancing scheme. (Page 2, Paragraph 0026)

With regards to claim 17, Wareham et al (USPUB 2004/0075343) teaches the load manager is connected to a data repository storing optimal load demands for the first set of power system based on modeling the power system in different states, and the load manager determines the new load demands for the first set of power system components by identifying the new load demands from the stored optimal load demands that are associated with the current state of the power system. (Page 5, claim 4 )

With regards to claim 18, Wareham et al (USPUB 2004/0075343) teaches the load manager is operable to detect a failure of a power system component of the first set of power system components from the received data and to control the load demands on the first set of power system components based on the load balancing scheme in response to detecting the failure. (Page 2, Paragraph 0029)

With regards to claim 19, Wareham et al (USPUB 2004/0075343) teaches the load manager is operable to implement the load balancing scheme in response to at least one of a received request to change the load demands on one or more of the first set of components and a determination that the load demands on the first set of power components do not meet predetermined conditions associated with the load balancing scheme. (Page2, Paragraph 26)

With regards to claim 20, Wareham et al (USPUB 2004/0075343) teaches the load balancing scheme is associated with at least one of dividing a total load demand on the one or more power system components substantially equally, providing substantially equal spare capacity for the one or more power System components, preventing any of the one or more power system components from exceeding a maximum loading value, and providing greater spare capacity for critical loads. (Page2, Paragraph 26)

With regards to claim 21, Wareham et al (USPUB 2004/0075343) teaches a fast transfer load device connected to one power system component of the first set of power system components, the fast transfer load transfer device controlling load demand on the one power system component in response to detecting an over loading on the one power system component.(22; Page, 1 Paragraph 0004)

With regards to claim 22, Wareham et al (USPUB 2004/0075343) teaches the load manager implements the load balancing scheme after the fast transfer load device controls the load demand on the One power system component .(22; Page, 1 Paragraph 0004)

With regards to claim 23, Wareham et al (USPUB 2004/0075343) teaches the power system further comprises a second set of power system components receiving power from the first set of power system components, and the load manager directs at least one power system component of the second set of power system components to vary the load demand on at least one power system component of the first set of power system components to control the load demands on the first set of power system components based on the load balancing scheme. (Page 2, Paragraph 26)

With regards to claim 24, Wareham et al (USPUB 2004/0075343) teaches the load manager controls the load demands on the first set of power system components based on the load balancing scheme by directing at least one power system component in the first set of power system components to vary load demand. (Page 2, Paragraph 27 )

With regards to claim 25, Wareham et al (USPUB 2004/0075343) teaches the first set of components comprise power system components in a level in the power system.( figure 4 )

With regards to claim 26, Wareham et al (USPUB 2004/0075343) teaches the first set of power system components comprise redundant components supplying power to the same load.(see figure 1 )

With regards to claim 28, Wareham et al (USPUB 2004/0075343) teaches the means for determining whether load demands on the plurality of power system components need to be varied further comprises means for determining whether load demands on the plurality of power system components need to be varied when a failure

of one of the plurality of power system components is detected or when the power system is in a steady state. (Page 2, Paragraph 26)

With regards to claim 27, Wareham et al (USPUB 2004/0075343) teaches an apparatus for managing load demands in a power system comprising:

means for determining whether load demands on a plurality of power system components in the power system need to be varied; (Page 2, paragraph 0028)

means for determining new load demands to be placed on the plurality of power system components in response to determining the load demands need to be varied; Page 4, paragraph 0057) and

means for controlling the load demands on the plurality of power system components to be substantially equal to the determined new load demands. (Page 5, paragraph 59)

With regards to claim 29, Wareham et al (USPUB 2004/0075343) teaches a data repository means for storing optimal load demands for the plurality of power system components and the means for determining new load demands retrieves the new load demands from the stored optimal load demands. (Page 2, Paragraph 0027)

With regards to claim 30, Wareham et al (USPUB 2004/0075343) teaches fast load transfer means connected to at least some of the plurality of power system components for varying the load demands on one or more of the power system components connected to the fast load transfer means in response to detecting an overloading of a power system component connected to the fast load transfer means. (22; Page, 1 Paragraph 0004)

***Allowable Subject Matter***

Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

Applicant's arguments filed 5/9/2005 have been fully considered but they are not persuasive.

Applicant is reminded that during patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Prater*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

While the meaning of claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allowed. This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989).

In this instance applicant argues that the prior art of record fails to teach determining a new load demand to be placed on the at least one power system

component based on a load demand on at least one other functioning power system, (Pages 3-4, paragraph 0048) [a system monitor determines the load priority of various components in a system depending on different factors, and accordingly adjusts the loads based on that priority, therefore assigning a new load value to the different components in the system], dividing the total load demand *substantially* equally among the plurality of power system components (Pages 4, paragraph 0057) and load balancing or making loads *substantially* equal. (Pages 4, paragraph 0057) [The system taught by Wareham varies the loads depending on priority, therefore balancing the system in order to prevent an overload. It should also be noted that the word 'substantially' is an indefinite term.]

For at least the reasons described above the claimed invention is believed to read on the prior art of record and the rejection is deemed proper.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Seem (USPN 5,414,640) teaches a method and apparatus for adaptive demand limiting electric consumption through load shedding, and Lo et al (USPN 5,001,649) teaches a linear power control for ultrasonic probe with tuned reactance

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit: 2863

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Aditya Bhat  
July 21, 2005

  
MICHAEL NGHIEM  
PRIMARY EXAMINER